



Office of Access and Opportunity
Executive Office for Administration and Finance

Strategic Goals & Objectives
FY2011

Administration & Finance



Office of Access & Opportunity

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MESSAGE FROM THE ASSISTANT SECRETARY

In May 2008, Governor Patrick authorized the creation of the Office of Access and Opportunity (“OAO”). At the time, the Governor said, “The people of Massachusetts deserve transparency and accountability from their government. By helping to ensure that the rights, protections, privileges and responsibilities of citizenship are accessible to all whom live here, this effort will help us to continue to build a better Commonwealth.”

In January 2010, Governor Patrick signed Executive Order 519 to institutionalize the Office of Access and Opportunity, its mission and its objectives. A copy of the Executive Order can be found at the end of this document.

OAO’s mission is to organize state government to identify, understand, and act upon the structural impediments, which inhibit the equitable inclusion of various individuals within the fabric of the state's social and economic mainstream. The objective is to bring forward a higher degree of transparency of effort and accountability. In short, Access and Opportunities is about opening doors and removing barriers.

It is my pleasure to present the Office of Access and Opportunity Strategic Goals and Objectives for FY2011. I remain honored to have the opportunity to serve and to further the goal of ensuring nondiscrimination and equal opportunity within the Executive Branch of state government.

Ronald G. Marlow

Assistant Secretary for Access and Opportunity

OAo MISSION AND VISION

The Patrick-Murray Administration remains committed to a broad interpretation and implementation of the principles of equal opportunity and nondiscrimination in all facets of Executive Branch operations. The Governor has issued Executive Order 478 codifying the principles of nondiscrimination, equal opportunity and diversity in state agency services, programs and activities. To institutionalize the work of the Office of Access and Opportunity, the Governor issued Executive Order 519. Through Executive Order 519, there is an enhanced focus on ensuring the principles of Executive Order 478 are carried out.

Mission: Rooted in social and economic justice, which are the underpinnings of civil rights, the Office of Access and Opportunity serves as an advocate for initiatives that promote nondiscrimination and equal opportunity within executive branch operations; supporting the success of women, minorities, persons with a disability, and other underrepresented/underserved populations; partnering with internal and external stakeholders to advance social and economic equity within the Commonwealth; and developing organizational policies, programs and structures to most effectively advance the objectives of nondiscrimination and equal opportunity.

Vision: The vision for the Office of Access and Opportunity is to be a catalyst and coordinator of activities that will assist the executive branch in maintaining and enhancing an environment that fosters nondiscrimination and equal opportunity to and for all residents.

OAo STRATEGIC GOALS:

The Office of Access and Opportunity has four goals, each of which ties back to the OAo Mission Statement:

STRATEGIC GOAL 1: Ensure nondiscrimination and equity of opportunity in executive branch personnel activities

STRATEGIC GOAL 2: Ensure nondiscrimination and equity of opportunity in state procurement activities

STRATEGIC GOAL 3: Ensure nondiscrimination and equity of opportunity in executive branch programs, services, activities, regulations and policies

STRATEGIC GOAL 4: Bring forward a legislative and policy agenda that (a) fulfills the preceding goals and/or that (b) enhances the social and economic outcomes of low-income residents

STRATEGIC GOAL 1: Ensure nondiscrimination and equity of opportunity in executive branch personnel activities

Objective 1: Monitor and report on diversity efforts and outcomes across the executive branch

At the close of fiscal year 2009, the Office of Access and Opportunity took the lead in reporting on diversity attainment within executive branch agencies. This work is done in conjunction with the Human Resources Division and the Office of Diversity and Equal Opportunity. In FY2011, this effort will be enhanced to provide quarterly reports to the Governor's Office and Secretariats.

Objective 2: Play an active role in the HR Modernization effort

In fiscal year 2010, the Governor issued Executive Order 517, which authorized the launch of the Human Resources (HR) Modernization effort. The HR Modernization effort will identify shared services as one option that may be pursued in order to build the foundation for the Commonwealth's HR future. Additional goals of HR Modernization are to:

- Align secretariat HR resources with their business strategies and priorities;
- Standardize HR resources and create efficiencies;
- Align secretariat HR plans with the Executive Department's enterprise-wide HR Strategic Plan;
- Work with our employees to support and maintain our productive and diverse workforce; and
- Ensure that HR staff is increasingly focused on strategic mission enhancements, rather than transactional work.

To ensure a full integration of existing diversity practices authorized and implemented via Executive Orders 478 and 519, the Assistant Secretary for Access and Opportunity will participate and play a meaningful role in the oversight and implementation of the HR Modernization effort.

Objective 3: Continue active participation in the implementation of the Model Employer of Persons with Disabilities Initiative

In June of 2009, the Governor launched the “Commonwealth as a Model Employer of Persons with a Disability.” This effort represents a set of strategic actions executive branch agencies are taking to achieve our shared and indicated goal of achieving a 12% rate of employment of persons with a disability within the executive branch.

Since the Governor’s announcement, the team, which consists of representatives from the Executive Office for Administration and Finance (ANF) and the Executive Office of Health and Human Services (HHS), has been working with our outside consultants from the University of Massachusetts at Boston, to implement the strategic plan. In October of 2009, the official roll-out commenced. The roll-out activities were designed to educate critical executive branch employees on the scope and intent of the Model Employer effort. The roll-out was followed by introduction of the “I Am/We Are” campaign, which is designed to create an environment in which persons with a disability will self-disclose their status. Attainment of our objectives will not only lead to increased employment on the part of persons with a disability, but will also provide the Governor with the moral foundation to challenge the private sector to step up and do the right thing.

Objective 4: Ensure the delivery of professional development training to diversity directors, diversity officers and ADA coordinators

Under Executive Order 478, the head of each secretariat is required to appoint a person to serve as Diversity Director for the secretariat and each agency head is required to appoint a person to serve as Diversity Officer for the agency. Additionally, each agency is expected to appoint a person to serve as ADA coordinator for the agency. In most instances, the person appointed to serve as the Diversity Director or Diversity Officer also serves as the ADA Coordinator.

These individuals are not only on the front lines of ensuring nondiscrimination and equal opportunity in the hiring process, they also represent our main actors when complaints of biased treatment come forward. While many of these individuals are committed to their work, not all of them have had access to the type of training that will facilitate them doing their job well. When and where these individuals are able to do their job well, they minimize the possibility of employees bringing complaints to the Massachusetts Commission Against Discrimination and/or the Equal Employment Opportunity Commission or the courts. It is vitally important

that these individuals be given the tools with which to fully do their jobs. I am committed to working to make sure that they receive the training they need and require.

Additionally, as part of the Model Employer initiative, ADA Coordinators will be given additional training to ensure that they have the knowledge and tools to deal effectively with the specific set of issues that are involved in ADA compliance.

Objective 5: Continue to oversee, implement and report on the Reasonable Accommodations Capital Reserve Account

Connected to the effort to make sure that the Commonwealth becomes a Model Employer for Persons with Disability, in FY2009, the Assistant Secretary proposed and oversaw the creation and implementation of a Reasonable Accommodations Capital Reserve Fund (RACRA). RACRA serves as a back stop to support executive branch agencies to meet the reasonable accommodation needs of employees. RACRA has three goals:

- Provide financial relief to agencies that are successful in hiring and seeking to retain employees with disabilities;
- Determine long-term funding needs for reasonable accommodation related activities; and
- Begin to establish a centralized structure for addressing reasonable accommodation issues in the workforce.

STRATEGIC GOAL 2: Ensure nondiscrimination and equity of opportunity in state procurement activities

Objective 1: Work to develop policy and/or programmatic responses to better meet the access to capital needs on the part of minority and women businesses

Access to capital continues to be a major challenge to small businesses, in particular minority, women and disadvantaged business enterprises. The lack of access can be particularly counterproductive where the federal DBE program and the state MBE/WBE program encourages participation of DBE, MBE and WBE contracting firms on public construction projects. To meet this specific need in the public marketplace, the Office of Access and Opportunity will develop a Short-Term Loan Program. The purpose of the Short-Term Loan Program will be to provide MBEs, WBEs and DBEs, who have subcontracts on public construction contracts, access to working capital via a line of credit. The line of credit will be collateralized by the value of the subcontract.

Additionally, the Office of Access and Opportunity will work with the Massachusetts Supplier Diversity Office, the Office of Small Business and Entrepreneurship and the Small Business Administration to understand how current federally-guaranteed loan programs may not be meeting the needs of minority- and women-owned businesses. The purpose will be to improve stakeholder understanding of these federally-guaranteed programs as well as to improve access to and participation in these programs.

Objective 2: Bring forward recommendations to the Secretary of Transportation to address prompt payment and retainage issues vis-à-vis subcontractors

Timely payment for services rendered is important to all businesses; it is critically important to M/W/DBE firms who tend to be smaller and who operate on thinner cash flow margins. Anecdotal information has identified instances where the general contractor has failed to remit payment to the subcontractor in a timely manner even where the general contractor has received payment from a public agency. Whether contract payment is delayed from the public agency to the general contractor or from the general contractor to a subcontractor, delays in payment can be crippling to small, minority and women subcontractors.

Retainage, in industry parlance, is a percentage of the total bid, which a contractor (or subcontractor) pays upon submitting a bid for work. It is considered insurance, and a "good faith" tool; a way for public agencies to assure that contractors have fulfilled their obligations under the terms of the public construction contract. While retainage tends to be a relative small component of the overall contract, for small, minority and women contractors, retainage can often represent the profit these contractors expect to earn via their participation. If retainage is released slowly, profits can be minimized or lost altogether.

The Office of Access and Opportunity has been working with the Massachusetts Department of Transportation and its constituency divisions to form a Subcontractor Payment Working Group to look at issues of prompt payment and retainage. The Working Group will submit its recommendations to the Secretary of Transportation in August 2010.

Objective 3: Improve effective implementation of and fidelity to Executive Order 390 or its successor Executive Order by working to ensure broader access to contract opportunities on the part of MBE and WBE firms on statewide and agency contracts

The Office of Access and Opportunity will use its authority under Executive Order 519 to continue to push for policy and program changes to mitigate barriers to effective MBE and WBE participation on state and agency contracts. Specifically, the Office of Access and Opportunity will:

- Work with the Operational Services Division, the Supplier Diversity Office and state procurement personnel to ensure that agencies are looking at the skills and business experience when evaluating firms and not placing undue weight on past experience, or the lack thereof, with the procuring agency to determine who is selected to perform on a contract;
- Develop legislation to expand the goals of access and opportunity and the inclusion of minority business enterprises and women business enterprises access to public institutions that receive funding from the state; and
- Work with the Massachusetts Supplier Diversity Office (SDO) and state agencies, in particular the Department of Housing and Community Development (DHCD) to identify ways to continue to provide information on state agency contracting opportunities and how businesses can connect to them.

Objective 4: Work to bring forward a comprehensive program of technical assistance, capacity building and educational services to meet the needs of MBE and WBE firms

At the Massachusetts Supplier Diversity Summit, minority and women businesses expressed a need for a variety of technical assistance and business development services. It is not clear that the range of available services is widely known to the summit attendees. The Office of Access and Opportunity will work to bring forward additional services to meet the needs of MBE and WBE businesses. Specifically, the Office of Access and Opportunity will:

- Work with OSBE, SDO and MSBDC Network to identify any gaps in technical assistance / business development services delivery and to develop strategies to close the gaps; and
- Work with ANF and MASSDOT to develop and implement an on-going technical assistance / capacity building program targeted to M/WBE contractor firms.

STRATEGIC GOAL 3: Ensure nondiscrimination and equity of opportunity in executive branch programs, services, activities, regulations and policies

Objective 1: Issue Guidelines to Ensure Access to State Services on the Part of Limited English Proficiency Persons

Most individuals living in the Commonwealth read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, approximately 1.1 million or nearly 19% of residents speak a language other than English at home. Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English may be limited English proficient or “LEP,” and may be eligible to receive language assistance with respect to a particular type of service, benefit or encounter. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by state programs and activities.

Pursuant to the intent of EO 478, the Office of Access and Opportunity will develop an ANF Administrative Bulletin to establish Language Access Implementation Guidelines to improve the accessibility to state services, programs and activities on the part of eligible LEP persons. Pursuant to the Administrative Bulletin, state agencies will have 120 days to develop Language Access Plans to ensure LEP access to agency services, programs and activities.

Objective 2: Purchase translation equipment to ensure full access to and interaction at public meetings on the part of Limited English Proficient Persons

The Office of Access and Opportunity will purchase translation equipment for use at state public meetings by September 2010 and make it available for use by all state agencies.

Objective 3: Monitor implementation of ANF Administrative Bulletin 15 – Civil Rights Impact Analysis requirements

In FY2010, the Office of Access and Opportunity brought forward ANF Administrative Bulletin 15. The purpose of this Administrative Bulletin is to provide guidance to state agencies to ensure that proposed agency regulations are consistent with the principles and objectives of Executive Order 478.

A civil rights impact analysis (CRIA) is meant to facilitate the identification of administrative decisions that may adversely and disproportionately impact service, activity or program beneficiaries based on their membership in a protected group. Responsive action based on CRIA findings can eliminate or substantially alleviate these negative effects.

The Office of Access and Opportunity will monitor implementation of this Administrative Bulletin to ensure that proposed regulations do not unintentionally pose an adverse impact on members of a protected class or protected classes.

Objective 4: Develop a formal process for responding to and resolving disparate impact complaints relative to state programs, policies, activities and/or services

Executive Order 519 defines one responsibility of the Office of Access and Opportunity to “ensure nondiscrimination, diversity and equal opportunity in all aspects of state employment, programs, services, activities, and decision-making.” During the first two fiscal years of operation, the Office of Access and Opportunity has handled complaints of disparate impact in state services, program and/or activities in an informal manner. In FY2011, the Office of Access and Opportunity will develop formal complaint-making and complaint-resolution processes to enhance the effectiveness of its work.

STRATEGIC GOAL 4: Bring forward a legislative and policy agenda that (a) fulfills the preceding goals and/or that (b) enhances the social and economic outcomes of low-income residents

Objective 1: Establish a Working Group on the Accessibility of Homeowners' Insurance in Urban Markets

Since the inception of the Massachusetts FAIR Plan, it has come to dominate the market place in various urban territories in Massachusetts. In 1996, the legislature enacted anti-redlining legislation in response to the continued inability of urban residents to obtain homeowners insurance via the private market. In spite of the legislation, which was hoped would provide increased market choice to urban homeowners, the FAIR Plan continues to be the dominant insurer in various urban markets.

The Office of Access and Opportunity will form a Working Group on the Accessibility of Homeowners' Insurance in Urban Markets. The charge to the Working Group will be (1) to review and understand the limitations of the 1996 law and (2) to develop a set of regulatory and/or legislative recommendations to improve urban homeowner access to private market insurance. This effort will commence late January or early February of 2010.

Objective 2: Develop a legislative proposal that encompasses a proactive access and opportunity agenda and that broadens the scope of inclusion of MBE/WBE firms

During the Massachusetts Supplier Diversity Summit, there was concern expressed that setting and working toward MBE and WBE participation does not happen at many public agencies who are the recipients of state funding or assistance. Given that the state dollars are a critical source of funds to non-executive branch agencies, there is a strong desire to see such institutions do a better job of seeking and attaining MBE/WBE participation through their procurement systems.

The Office of Access and Opportunity will develop a legislative proposal to extend MBE and WBE participation goals to public agencies that receive state funding or state assistance.

Objective 3: Utilize membership in National Association of State Minority, Women and Disadvantaged Business Enterprise Directors to shape federal MBE/WBE and DBE policy

The Assistant Secretary has been part of an effort to establish the National Association of State Minority, Women and Disadvantaged Business Enterprise Directors (NASMWDD). Additionally, the Assistant Secretary has been elected to the Board of Directors of the NASMWDD, and serves as the organization's Chairman and President. This service provides access to information on how other states develop and implement their policies relative to DBE, MBE and WBE participation.

The Office of Access and Opportunity will use the membership of the Assistant Secretary to help advance and shape federal policies relative to DBE, MBE and WBE firms.

CONCLUSION:

The Office of Access and Opportunity is committed to the faithful implementation and execution of the responsibilities and authority assigned to it per Executive Order 519. In an effort to ensure faithful implementation of the strategic goals and objectives contained in this document, the Assistant Secretary will develop a report card that will facilitate internal and external stakeholder monitoring of the status of implementation.